



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

December 14, 2023

By ECF

The Honorable John G. Koeltl
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: *Matt v. U.S. Dep't of Justice, et al.*, No. 22 Civ. 6057 (JGK)

Dear Judge Koeltl:

This Office represents the United States of America, the Drug Enforcement Administration (“DEA”), and the United States Department of Justice (collectively, the “Government”) in this employment discrimination action brought by plaintiff James J. Matt (“Plaintiff”). As the Court is aware, the parties reached an agreement to resolve this matter in March 2023. *See* Dkt. No. 36. The parties’ settlement was contingent on Court approval and on the DEA Administrator’s approval of Plaintiff’s request to work up to 12 months past his mandatory retirement age. *Id.* ¶¶ 3–5. The Court approved the settlement on March 14, 2023. By letter dated December 7, 2023, Plaintiff was notified that the DEA Administrator approved his request for an exemption of his mandatory retirement date. Under the terms of the settlement agreement, the parties are to file a stipulation of dismissal pursuant to Rule 41 of the Federal Civil Procedure within seven days of the Administrator’s approval, which is today. *Id.* ¶¶ 1, 3–6. The Government writes to request, with Plaintiff’s consent, that this deadline be extended by approximately 30 days, to January 16, 2024.

The reason for the request is that this Office recently learned that the DEA Administrator approved Plaintiff’s request without information that would have likely resulted in the denial of his request.¹ The Government has apprised Plaintiff that the DEA Administrator’s decision could be reversed, and the parties intend to confer about how to proceed in the coming weeks. A 30-day extension of the deadline set forth in paragraph 1 of the settlement agreement (Dkt. No. 36) would facilitate these discussions.

¹ Given the confidential nature of this information, the Government is not discussing the reasons for Plaintiff’s ineligibility here, but it will give a more detailed explanation upon request.

The Government thanks the Court for its attention to this matter.

Respectfully submitted,

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